

**IN THE UNITED STATES DISTRICT COURT
OF THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JEROME D. JOHNSON

PLAINTIFF

V.

CIVIL ACTION NO. 1:07cv539LG-JMR

DONALD A. CABANA, et al.

DEFENDANTS

RESPONSE TO PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

COME NOW, Defendants, Donald A. Cabana (“Cabana”), Earl Leonard (“Leonard”), Carolyn Prendergast (“Prendergast”), Steve Campbell (“Campbell”), George H. Payne, Jr. (“Payne”), Kenneth Rogers (“Rogers”), Nathan Ellsberry (“Ellsberry”) and Elaine Lege (“Lege”), all officially and in their individual capacities, by and through the law firm of Dukes, Dukes, Keating & Faneca, P.A., and file this their Response in Opposition to Plaintiff’s Motion for Summary Judgment, as follows:

I.

On July 29, 2008 Plaintiff filed his own Motion for Summary Judgment (DN 59), essentially raising the very same arguments contained in his Complaints, other Pleadings, and Deposition testimony.

II.

On August 4, 2008 these Defendants filed their Motion for Summary Judgment (DN 60) and supporting Memorandum (DN 61). In response to Plaintiff’s Motion for Summary Judgment (DN 59), these Defendants would respectfully refer the Court to, and incorporate herein, their Motion (DN 60) and Memorandum(DN 61) into this Response, as if copied herein in extenso.

WHEREFORE, PREMISES CONSIDERED, Defendants file this their Response in Opposition to Plaintiff's Motion for Summary Judgment and respectfully request this honorable Court to deny Plaintiff's Motion for Summary Judgment and dismiss this Civil Action against them with prejudice, and with costs. Defendants pray for such other and further relief as this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED, this the 5th day of August, 2008.

**DONALD A. CABANA, EARL LEONARD, CAROLYN
PENDERGAST, STEVE CAMPBELL, GEORGE H. PAYNE,
JR., KENNETH ROGERS, NATHAN ELLSBERRY AND
ELAINE LEGE, ALL OFFICIALLY AND IN THEIR
INDIVIDUAL CAPACITIES**

DUKES, DUKES, KEATING & FANECAL, P.A.

BY: /s/ Cy Faneca
CY FANECAL, MSB #5128

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CERTIFICATE OF SERVICE

I, CY FANECA, do hereby certify that I have this day delivered, via United States Mail, postage fully pre-paid, a true and correct copy of the above and foregoing pleading to the following:

Jerome D. Johnson, #257256
Pascagoula Restitution Center
Post Office Box 427
Pascagoula, Mississippi 39568

Ian Brendel
Post Office Box 1521
Gulfport, MS 39501

Karen Young, Esq.
Meadows Law Firm
1902 21st Avenue
Post Office Box 1076
Gulfport, Mississippi 39502

THIS, the 5th day of August, 2008.

/s/ Cy Faneca
CY FANECA
JON TINER